

REMARKS

Claims 1 through 55 are currently pending in the application.

Claims 6 through 55 are withdrawn from consideration as being directed to a non-elected invention.

Claims 1 through currently stand rejected.

This amendment is in response to the final Office Action of October 9, 2003.

Information Disclosure Statement(s)

Applicant notes the filing of an Information Disclosure Statement herein on July 24, 2003 and notes that a copy of the PTO-1449 was not returned with the outstanding Office Action. Applicant respectfully requests that the information cited on the PTO-1449 be made of record herein.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Bierig (U.S. Patent No. 4,089,734) in view of Rostoker et al. (U.S. Patent No. 5,838,163)

Claims 1 through 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bierig (U.S. Patent No. 4,089,734) in view of Rostoker et al. (U.S. Patent No. 5,838,163). Applicant respectfully traverses this rejection, as hereinafter set forth.

Obviousness Rejection Based on Bierig (U.S. Patent No. 4,089,734)/Rostoker et al. (U.S. Patent No. 5,838,163) as applied to claims 1 and 3 above, and further in view of Maruyama et al. (U.S. Patent No. 5,832,595)

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bierig (U.S. Patent No. 4,089,734)/Rostoker et al. (U.S. Patent No. 5,838,163) as applied to claims 1 and 3 above, and further in view of Maruyama et al. (U.S. Patent No. 5,832,595).

Applicant further submits that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure.

After carefully considering the cited prior art, the rejections, and the Examiner's comments, Applicant has amended the claimed invention to clearly distinguish over the cited prior art.

Applicant submits that claims 1 and 3 through 5 are clearly allowable over the cited prior art.

Applicant requests the allowance of claims 1 and 3 through 5 and the case passed for issue.

Respectfully submitted,



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